

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Vie Luxe International, LLC and  
Marjorie Gubelmann Raein

V.

Daniel Benedict

SUMMONS IN A CIVIL ACTION

08 CIV 5023

JUDGE PRESKA

TO: (Name and address of Defendant)

Daniel Benedict  
3 East 78th Street  
New York, NY 10021

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Seward & Kissel LLP  
One Battery Park Plaza  
New York, NY 10004

Attention: Mark J. Hyland  
Anne C. Patin  
Julia C. Spivack

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(By) DEPUTY CLERK

**MAY 30 2008**

DATE

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**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$0.00
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date Signature of Server

\_\_\_\_\_  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIE LUXE INTERNATIONAL, LLC AND  
MARJORIE GUBELMANN RAEIN,  
Plaintiff(s),

-against-

DANIEL BENEDICT,  
Defendant(s).

Index No. 08 CIV. 5023  
JUDGE PRESKA  
AFFIDAVIT OF SERVICE

-----X  
STATE OF NEW YORK )  
S.S.  
COUNTY OF NEW YORK)

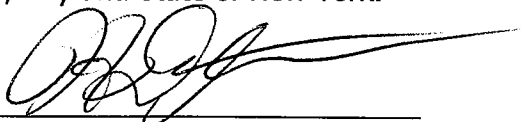
HOWARD D. GOLDMAN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 5<sup>th</sup> day of June 2008, at approximately the time of 6:00 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, CIVIL COVER SHEET, ELECTRONIC CASE FILING RULES & INSTRUCTIONS AND RULE 7.1 STATEMENT** upon Daniel Benedict at Three East 78<sup>th</sup> Street, #3C, New York, NY 10021, by personally delivering and leaving the same with his roommate, Andrew Saffir, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked if Daniel Benedict is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Andrew Saffir is a white male, approximately 40 years of age, stands approximately 5 feet 11 inches tall and weighs approximately 165 pounds with black hair and dark eyes wearing glasses.

That on the 6<sup>th</sup> day of June 2008, deponent served another copy of the foregoing upon Daniel Benedict at Three East 78<sup>th</sup> Street, #3C, New York, NY 10021, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and

depositing the same into an official depository maintained by the Government of the United States, City and State of New York.



HOWARD D. GOLDMAN #932192

Sworn to before me this  
9<sup>th</sup> day of June 2008



NOTARY PUBLIC

**JONATHAN T. RIPPS  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01R16109718  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES MAY 17, 2012**